

RENTON CITY COUNCIL
Regular Meeting

June 28, 1999
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

KING PARKER, Council President; TIMOTHY SCHLITZER; TONI NELSON; BOB EDWARDS; KATHY KEOLKER-WHEELER.

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL EXCUSE ABSENT COUNCILMEMBERS DAN CLAWSON AND RANDY CORMAN. CARRIED.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LARRY WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; MICHAEL KATTERMANN, Director of Neighborhoods & Strategic Planning; SUSAN CARLSON, Economic Development Administrator; PAUL KUSAKABE, Fiscal Services Director; JIM SHEPHERD, Community Services Administrator; DENNIS CULP, Facilities Director; STEVE ELLIOTT, Cultural Arts Coordinator; DEREK TODD, Finance Analyst; COMMANDER KEVIN MILOSEVICH, Police Department; OFFICER CHRISTINE PAGET, Police Department.

PRESS

Denis Law, *Renton Reporter*
Claire Booth, *South County Journal*
Mike Lindblom, *Seattle Times*

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL APPROVE THE MINUTES OF JUNE 21, 1999 AS PRESENTED. CARRIED.

SPECIAL PRESENTATION
“Anything Goes” – 1999
Summer Teen Musical

Steve Elliott, Cultural Arts Coordinator, announced that Renton’s 1999 summer teen musical, “Anything Goes,” will run from July 16 through August 7 at Carco Theatre. He introduced Jim Fisher, music director, and performers Adrienne Grieco, Brittany Parry and Casey Craig, who entertained the audience with sample numbers from the show.

PUBLIC HEARING
Legal: Adult Retail Use
Ordinances

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the proposed Adult Retail Use ordinances.

Mike Kattermann, Director of Neighborhoods & Strategic Planning, explained that the proposed regulations were drafted in response to public concerns about the location of adult book, video and novelty stores in or near residential areas. Staff has been working since 1997 to develop an ordinance that would address these concerns while protecting the First Amendment rights of any business that potentially would be affected. The regulations attempt to guard against harmful negative secondary effects of adult businesses through the least intrusive means necessary to achieve the governmental purpose.

Mr. Kattermann then explained that the amendments would first define adult retail uses (which are currently not regulated) and require a distance of 1,000 feet between any adult use and the following protected uses: residential zones and uses, elementary and secondary schools, religious institutions, parks, and day

cares. Only those adult uses located south of I-405 and west of SR-167 would be exempted from the 1,000 foot distance requirement from any of the protected uses.

The amendments would also add definitions for “adult-oriented merchandise” and “parks” (which are currently not defined), and update other definitions. Any adult retail use made nonconforming by the regulations would be given one year to conform or relocate, although a business could request an extension of this time period by demonstrating either extreme economic hardship based on irreversible financial investment, or the existence of a commitment which precluded a reasonable alternative use of the property.

City Attorney Lawrence J. Warren emphasized that all Councilmembers must completely review the material contained in the legislative record compiled for its perusal before Council takes final action on this matter.

Audience comment was invited.

Phyllis Happenstall, 3432 - 53rd St. SE, Auburn, 98032, spoke as the owner of 22 Lovers Package stores, the first of which was established nearly 20 years ago. She disputed the claims of negative secondary effects from adult stores, saying that these have not been proven to occur at responsible retail outlets. She also disagreed with the proposal to allow these only in the industrial area of the City, saying that her customers appreciate being able to shop in safe areas. Ms. Happenstall claimed that she has never been involved in any litigation relating to her business, nor received any strong community opposition although she has been picketed once or twice. She concluded that Lovers Package stores are retail businesses, not adult businesses.

Ralph Evans, 3306 NE 11th Pl., Renton, 98056, suggested that in addition to locating a certain distance away from protected uses such as residences and churches, adult retail uses also be required to locate a certain distance from each other as he did not want to see a proliferation of these businesses in any one area.

Geri Warner, 2207 NE 7th St., Renton, 98056, said adult retail uses are detrimental to families and communities. She urged Council to adopt the proposed regulations, adding that although the City has worked hard on them, she would have preferred to see these uses completely banned.

Kim Rendle, 671 Jefferson Ave. NE, Renton, 98056, stated that she cannot walk freely in her own neighborhood because of the need to shield her children from the adult retail business located in the Highlands. Saying this store sells materials that are exploitative, dehumanizing and destructive, she thanked the City for taking steps to protect its neighborhoods from these establishments.

Heidi Carlson, 806 Index Ct. NE, Renton, 98056, said she has eagerly awaited the proposed ordinance for almost two years, ever since an adult retailer began operating in the Highlands in 1997. Noting that the door of this business is still frequently left open, allowing the products to be viewed by passersby, she encouraged Council to keep adult uses from compromising community standards.

Phillip Beckley, 655 Ferndale Ct. NE, Renton, 98056, commented that New York City has succeeded in ridding its Times Square area, a major tourist attraction, of adult-oriented uses. Although these uses are re-establishing themselves in New York, they are restricted to industrial areas.

Marie West, 903 Olympia Ave. NE, Renton, 98056, supported the proposed

regulations and thanked the City for listening to its residents on this issue.

Correspondence was entered from Richard Walsh, owner of Magic Video, 3560 NE 4th St., Renton, 98056, expressing concern that the definitions contained in the proposed ordinance are too vague to be effectively enforced, and could be interpreted to include many mainstream, popular movies stocked by grocery stores and retailers such as himself.

There being no further audience comment, it was **MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.**

Mr. Kattermann noted that this item will remain in Planning & Development Committee pending a final recommendation to the full Council.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 1999 and beyond. Items noted included:

- ✱ The City's Victim Court Advocate will attend a national conference on domestic violence in Rosemont, Illinois.
- ✱ Renton's lifeguards completed seven days of intensive training prior to the official opening of the swimming season on June 19th.
- ✱ The sixth annual Ivar's/Kidd Valley Family Summer Concert Series kicked off last Wednesday, with over 300 people enjoying favorite all-ages tunes performed by the Renton City Concert Band.

AUDIENCE COMMENT

Citizen Comment: Heppenstall
– Adult Retail Uses

Phyllis Heppenstall, 3432 - 53rd St. SE, Auburn, 98032, who spoke previously during the public hearing on adult retail uses, added that her business was selected as the Washington Family Business of the Year in 1995 by Pacific Lutheran University. She said it would not be appropriate to focus legislation on products that people purchase for use in their own homes, and felt that responsible businesses should not be penalized for the inappropriate activities of one retailer. Ms. Heppenstall submitted a package of information regarding her business.

Citizen Comment: Larson –
Property Assessment Increases

Ruth Larson, 714 High Ave. S., Renton, 98055, reported that, according to the King County Assessor's Office, the value of her home (the land together with the house) has increased by \$19,000 since last October, yet has not been improved in any way. Saying that she bought her home to live in and not as an investment, she worried that she would eventually be priced out of it. Mrs. Larson asked the City to take this subject up with King County.

Mayor Tanner noted that Scott Noble, King County Assessor, is up for re-election this year. He added that Renton has expressed disagreement with the Assessor's Office regarding tax breaks granted to Boeing, as well as the County's failure to place new properties on the tax rolls in a timely fashion.

Mrs. Larson suggested that Council invite Mr. Noble to come speak to it on these issues. Council President Parker said this would be a good agenda topic for a future Committee of the Whole meeting. Councilmember Keolker-Wheeler added that the Finance Department could also provide information on property assessments.

CONSENT AGENDA

CAG: 99-073, Blaine Ave NE

Items on the consent agenda are adopted by one motion which follows the listing.

City Clerk reported bid opening on 6/23/99 for CAG-99-073, Blaine Ave. NE

Water Main Replacement, Grant Const Co	Water Main Replacement; five bids; engineer's estimate \$178,375.50; and submitted staff recommendation to award the contract to the low bidder, Grant Construction Co., in the total amount of \$145,473.07. Council concur.
CAG: 98-002, Renton City Hall Tenant Improvements, Arango Const Co	Community Services Department submitted CAG-98-002, Renton City Hall Tenant Improvement project; and requested approval of the project, commencement of 60-day lien period, and release of retained amount of \$169,492.72 to Arango Construction Co., contractor, if all required releases are obtained. Council concur.
Public Works: Pacific Fiber Link Fiber Optic System Through Renton	Development Services Division recommended allowing Pacific Fiber Link, L.L.C., to install a fiber optic transmission system through Renton for long-distance telecommunications transport to common carriers. Refer to <u>Transportation Committee</u> .
CAG: 97-029, 1997 Slurry Seal, Blackline Inc	Transportation Systems Division submitted CAG-97-029, 1997 Slurry Seal project; and recommended approval of the project, commencement of 60-day lien period, and release of retained amount of \$3,366.03 to Blackline, Inc., contractor, if all required releases are obtained. Council concur.
	MOVED BY PARKER, SECONDED BY EDWARDS, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.
OLD BUSINESS Council: King Parker Named "Citizen of the Year"	Mayor Tanner congratulated Council President King Parker on being selected as Renton's "Citizen of the Year" last week.
<u>Public Safety Committee</u> Police: Bicycle Helmet Ordinance	Public Safety Committee Chair Schlitzer presented a report recommending concurrence in the staff recommendation to require the use of bicycle helmets in the City of Renton. The Committee further recommended that the ordinance regarding this matter be presented for first reading. MOVED BY SCHLITZER, SECONDED BY EDWARDS, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 240 for ordinance.) Councilman Edwards suggested that neighboring jurisdictions may also be interested in adopting these regulations, since bicyclists often cross city boundaries while riding. Councilmember Keolker-Wheeler agreed to bring this matter before the Suburban Cities Association.
<u>Finance Committee</u> Municipal Court: Judge Pro Tem Compensation	Finance Committee Chair Edwards presented a report recommending concurrence in the staff recommendation to increase the amount of compensation for Municipal Court Pro Tem Judges to \$45 per hour. The Committee further recommended that the ordinance regarding this matter be presented for first reading. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 240 for ordinance.) Noting that King County pays its Pro Tem Judges \$53 per hour, Mr. Edwards noted that this change will help Renton maintain a competitive rate.
Finance: Vouchers	Finance Committee Chair Edwards presented a report recommending approval of Payroll Vouchers 167075 - 167349 and 528 direct deposits totaling \$1,345,006.33. MOVED BY EDWARDS, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.
Finance: Vouchers	Finance Committee Chair Edwards presented a report recommending approval of Claim Vouchers 171893 - 172325 and two wire transfers in the total amount of \$2,647,236.70. MOVED BY EDWARDS, SECONDED BY NELSON,

COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

ORDINANCES AND RESOLUTIONS

Resolution #3400

Public Works: Skyway
Coordinated Water System
Plan, 1999 Update, King
County (CAG-99-

The following resolution was presented for reading and adoption:

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement with King County relating to the 1999 update of the Skyway Coordinated Water System Plan. MOVED BY SCHLITZER, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS PRESENTED. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 7/12/99 for second and final reading:

Municipal Court: Judge Pro
Tem Compensation

An ordinance was read amending Section 3-4-3.B of Chapter 4, Municipal Court, of Title III (Departments) of City Code by increasing the amount of compensation for Pro Tem Judges. MOVED BY EDWARDS, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/12/99. CARRIED.

Police: Bicycle Helmet
Ordinance

An ordinance was read amending Title VI (Police Regulations) of City Code by adding Chapter 26, entitled "Bicycle Helmets." MOVED BY SCHLITZER, SECONDED BY EDWARDS, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/12/99. CARRIED.

Planning: Employment Area –
Valley Zoning Code Changes

An ordinance was read amending Title IV (Development Regulations) of City Code by adding uses in the Light Industrial, Medium Industrial, Heavy Industrial, Commercial Office and Commercial Arterial zones, consolidating duplicate listed uses on the Zoning Use tables, and clarifying procedures and specific use conditions in the RM-H, R-14, IL, IM, IH, CC, CN, CS, CA, CD, CO and COR zones. MOVED BY KEOLKER-WHEELER, SECONDED BY EDWARDS, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/12/99. CARRIED.

Legal: S 2nd St Condemnation
(Burnett & Logan),
Williams/Hiatt and Jasper

An ordinance was read authorizing the acquisition of certain property and property rights by eminent domain and providing for the payment thereof; authorizing the City Attorney to prepare a petition for condemnation in the Superior Court in and for the County of King and for the prosecution thereof for the acquisition of such property and property rights for the purpose of public parking (Williams/Hiatt and Jasper parcels, located on South 2nd Street between Burnett and Logan Avenues South). MOVED BY EDWARDS, SECONDED BY SCHLITZER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/12/99. CARRIED.

The following ordinance was presented for second and final reading:

Ordinance #4783

Transportation: Six-Year TIP,
Mid-Year Budget Adjustments

An ordinance was read providing for 1999 Budget adjustments in the amount of \$11,950,201 for transportation improvement projects. MOVED BY SCHLITZER, SECONDED BY EDWARDS, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. MOTION CARRIED.

NEW BUSINESS

Council: Meeting Cancellation
(8/02/99)

MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL CANCEL BOTH THE REGULAR CITY COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS ON AUGUST 2, 1999. CARRIED.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY NELSON, COUNCIL ADJOURN. CARRIED. Time: 8:36 p.m.

MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Fritsvold
June 28, 1999